

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNIVERSAL-POLYGRAM
INTERNATIONAL PUBLISHING, INC.,
DUBOSE & DOROTHY HEYWARD
MEMORIAL FUND PUBLISHING, GEORGE
GERSHWIN MUSIC, IRA GERSHWIN
MUSIC AND KAY DUKE INGALLS D/B/A
KAY DUKE MUSIC,

Plaintiffs,

v.

EAST 26TH STREET AND PARK AVENUE
REALTY, LLC, IBRAHIM MERCHANT
AND JAN KALANDRA,

Defendants.

CASE NO. 08-CV-9176 CM

**NOTICE OF DISMISSAL WITH
PREJUDICE AND WITHOUT COSTS**

Pursuant to F.R.C.P. 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, Plaintiffs
UNIVERSAL-POLYGRAM INTERNATIONAL PUBLISHING, INC., DUBOSE &
DOROTHY HEYWARD MEMORIAL FUND PUBLISHING, GEORGE GERSHWIN MUSIC,
IRA GERSHWIN MUSIC AND KAY DUKE INGALLS D/B/A KAY DUKE MUSIC, by and
through their counsel Mitchell Silberberg & Knupp LLP, hereby give notice that their claims in
the above-captioned action as against Defendants EAST 26TH STREET AND PARK AVENUE
REALTY, LLC, IBRAHIM MERCHANT and JAN KALANDRA are voluntarily dismissed with
prejudice and without costs.

DATED: New York, New York
January 9, 2009

MITCHELL SILBERBERG & KNUPP LLP

By: /s/ Jeffrey M. Movit
Howard H. Weller (HW 2745)
hhw@msk.com
Jeffrey M. Movit (JM 6725)
jmm@msk.com
12 East 49th Street, 30th Floor
New York, New York 10017-1028
Telephone: (212) 509-3900
Facsimile: (212) 509-7239
Attorneys for Plaintiffs